Applicants: Bonutti *et al.* Application No.: 10/797,685

Examiner: J. Woo

<u>REMARKS</u>

Claims 7, 8, 11-16, 23-26, 30-34, and 36 are pending in the application and are presented for the Examiner's review and consideration. Claims 7, 11-13, 15, 23, 30, 31, 33, and 34 have been amended. Claims 1-6, 9, 10, 17-22, 27-29, and 35 have been canceled. Applicants believe that the claim amendments, claim cancellations, and accompanying remarks serve to place the application in condition for allowance.

Allowed/Allowable Subject Matter

Applicants acknowledge with appreciation that claims 16 and 36 were indicated as being allowed and that claims 7, 8, 23-26, and 34 were indicated as being allowable if rewritten in independent form. Accordingly, Applicants have amended claim 7 to include the elements of claims 1, 2, and 6. Claim 8 depends from independent claim 7. Claims 11-13 and 15 have been amended to depend from claim 7. Applicants have amended claim 23 to include the elements of 17, 18, and 19. Claims 24-26 depend, directly or indirectly, from independent claim 23. Applicants have amended claims 30, 31, and 33 to depend from claim 23. Applicants have also amended claim 34 to include the elements of claims 17 and 33.

35 U.S.C. §102 Rejection

Claims 1-6, 11, 12, 15, 17-22, 27, 28, 30, 33, and 35 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,077,277 to Mollenauer *et al.* ("Mollenauer").

In response, Applicants have either canceled these claims or amended to depend from an allowable claim. It should be understood that the cancellations are being made to expedite prosecution and should not be construed as an admission that the present invention is not patentable over Mollenauer.

35 U.S.C. § 103 Rejections

Claims 10 and 29 were rejected under 35 U.S.C. §103(a) as being unpatentable over Mollenauer. Also, claims 13, 14, 31, and 32 were rejected under 35 U.S.C. §103(a) as being unpatentable over Mollenauer in view of U.S. Patent No. 5,306,280 to Bregen *et al.* ("Bregen").

In response, Applicants have canceled these claims or amended to depend from an

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allowable claim. It should be understood that the cancellations are being made to expedite

prosecution and should not be construed as an admission that the present invention is not patentable

over Mollenauer or Mollenauer in view of Bregen.

Conclusion

In light of the foregoing remarks, this application is now in condition for allowance and

early passage of this case to issue is respectfully requested. If any questions remain regarding this

amendment or the application in general, a telephone call to the undersigned would be appreciated

since this should expedite the prosecution of the application for all concerned.

A fee for a one-month extension of time is believed to be due. Applicants have

previously paid for two additional independent claims; therefore, no fees for the five pending

independent claims are believed to be due. Please charge any additional fees (or credit any

overpayments of fees) to the Deposit Account of the undersigned, Account No. 503410 (Docket

No. 782-A04-026).

Respectfully submitted,

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